

IN THE CIRCUIT COURT FOR PUTNAM COUNTY, TENNESSEE

WILLIAM R. PALMORE AND  
LINDA J. PALMORE,  
Plaintiffs,

VS.

WALMART INC.,  
WAL-MART STORES EAST, L.P.,  
WAL-MART.COM, USA, LLC,  
WAL-MART STORES, INC.,  
WAL-MART ASSOCIATES, INC.,  
WALMART CENTER TN, LLC,  
Defendants.

Docket No. 20CV167

Filed 9-2-20  
Time 2:00 P M  
Jennifer Wilkerson, Clerk  
By [Signature] D.C.

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COMPLAINT

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Comes now the Plaintiffs, William R. Palmore and Linda J. Palmore, and sues the Defendant, Walmart, Inc., Wal-Mart Stores East, L.P., Wal-Mart.com, USA, LLC, Wal-Mart Stores, Inc., Wal-Mart Associates, Inc., Walmart Center TN LLC, and for her cause of action would state as follows:

1. The Plaintiffs are citizens and residents of White County, Tennessee.
2. The Defendant, Walmart Inc., is a Delaware corporation operating Walmart Supercenter Store #657, at 768 Jefferson Avenue, Cookeville, Putnam County, Tennessee 38501. This Defendant may be served through its registered agent for service of process, CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.
3. The Defendant, Wal-Mart Stores East, L.P., is a Delaware corporation operating Walmart Supercenter Store #657, at 768 Jefferson Avenue, Cookeville, Putnam County, Tennessee 38501. This Defendant may be served through its registered agent for service of process, CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.
4. The Defendant, Wal-Mart.Com, USA, LLC, is a Delaware corporation operating Walmart Supercenter Store #657, at 768 Jefferson Avenue, Cookeville, Putnam County, Tennessee 38501. This Defendant may be served through its registered agent for service of process, CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

5. The Defendant, Wal-Mart Stores, Inc., is a Delaware corporation operating Walmart Supercenter Store #657, at 768 Jefferson Avenue, Cookeville, Putnam County, Tennessee 38501. This Defendant may be served through its registered agent for service of process, CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

6. The Defendant, Wal-Mart Associates, Inc., is a Delaware corporation operating Walmart Supercenter Store #657, at 768 Jefferson Avenue, Cookeville, Putnam County, Tennessee 38501. This Defendant may be served through its registered agent for service of process, CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

7. The Defendant, Walmart Center TN, LLC, is a Delaware corporation operating Walmart Supercenter Store #657, at 768 Jefferson Avenue, Cookeville, Putnam County, Tennessee 38501. This Defendant may be served through its registered agent for service of process, CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

8. The accident which is the subject of this suit occurred at the Walmart Supercenter Store #657, located in Cookeville, Putnam County, Tennessee, on or about September 6, 2019.

9. The Circuit Court for Putnam County, Tennessee, has jurisdiction to hear this case and venue is proper in this case.

10. On or about September 6, 2019, the Plaintiff, Linda J. Palmore, was a guest and patron of the Walmart Supercenter Store #657, owned by one or more of the Defendants set forth above in Paragraphs two (2) through seven (7), herein collectively referred to as "Walmart".

11. The Plaintiff, Linda J. Palmore, was an invitee and was lawfully located on the premises of Walmart at the time the accident occurred. Walmart, as well as its managers, associates and employees, owed the Plaintiff, Linda J. Palmore, a duty of reasonable care to make sure that the grocery baskets on the grocery pickup delivery cart were properly stacked ensuring that the employee was able to properly operate the cart and had a clear visual of his surroundings while operating the cart.

12. Walmart and its managers, associates, and employees owed the Plaintiff, Linda J. Palmore, a duty to operate the grocery pickup delivery cart in a safe and proper manner while being maintained by the employee.

13. On or about September 6, 2019, while shopping at Walmart Supercenter Store #657, the Plaintiff, Linda J. Palmore, had stopped on the side of an aisle to review her grocery list, when suddenly, without warning, was struck in the back with a grocery pickup delivery cart,

which was being pushed by a Walmart Employee, causing the Plaintiff to be pushed forward, and as a result was wedged between her cart and the grocery pickup delivery cart. The incident caused the Plaintiff to sustain serious bodily injury and she had to be transported to the Emergency Room. The employee was negligent in the use of the cart and the negligence of the Defendant's employee was the proximate cause of the Plaintiff's injuries.

14. As a result of this incident, the Plaintiff has incurred and continues to incur, reasonable and necessary medical care, expense and treatment for injuries and medical conditions proximately related incident. The Plaintiff, Linda J. Palmore, continues to be treated, and continues to suffer from pain to her lower extremities as a result of this incident that occurred at the Walmart Supercenter Store #657, on September 6, 2019. As a result of this incident, the Plaintiff is no longer able to do the things she once did in and around her home and doing things she enjoyed prior to this incident on September 6, 2019.

15. The incident was occasioned as a result of the negligent acts and/or omissions of Walmart, its managers, associates and/or employees.

16. Walmart and its managers, associates, and employees failed to properly supervise and train its employees regarding proper operations of the grocery pickup and delivery cart and to be on the proper lookout for customers while operating the carter.

17. Walmart and its managers, associates, and employees failed to have proper policies and procedures in place to prevent incidents involving customers such as this, and/or in the alternative, failed to follow the appropriate procedures and policies to prevent incidents involving customers such as this.

18. The incident was occasioned as a result of the negligent acts and/or omissions of the Defendants, its mangers, associates and employees, and as a result of their failure to have and/or adhere to appropriate store policies and procedures.

19. As a result of the negligent acts and/or omissions of Walmart, its managers, associates, and employees, the Plaintiff, Linda J. Palmore, sustained injuries and disabling injuries for which she has incurred and continues to incur medical expense.

20. It is averred that the negligence of any manager, employee and/or associate of Walmart is imputed to Walmart and Walmart is vicariously as well as independently liable for the negligent acts and/or omissions of its employees, associates, and managers.

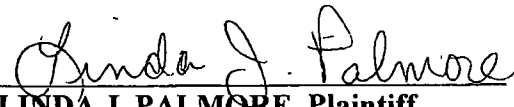
21. As a result of the accident and injuries complained of herein, the Plaintiff, Linda J. Palmore, has sustained past medical expense, future medical expense, past and future pain and suffering, past and future loss of enjoyment of life, permanent physical impairment, and additional damages and injuries to be established and proven at the trial of this matter.

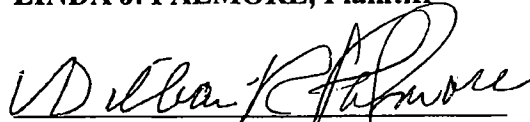
22. As a direct and proximate result of the negligence of the Defendant, the Plaintiff, William R. Palmore, as suffered a loss of consortium.

WHEREFORE, PLAINTIFFS PRAY AS FOLLOWS:

1. That process be issued and that the Defendants be required to answer the Complaint, but their oath to same is waived;
2. That the Defendants and/or each of them as appropriate, be found negligent and liable for the damages to the Plaintiff, Linda J. Palmore, in an amount not to exceed \$75,000.00.
3. That the Plaintiff, William R. Palmore, be awarded a total amount of \$25,000.00 for the loss of spousal consortium due to the damages to the Plaintiff, Linda J. Palmore.
3. That a jury be impaneled to try all issues in this case.
4. That the cost of this matter be taxed against the Defendants.
5. That the Plaintiff have such further and other general relief to which she may otherwise be entitled.

Respectfully submitted this \_\_\_\_\_ day of September, 2020.

  
**LINDA J. PALMORE, Plaintiff**

  
**WILLIAM R. PALMORE, Plaintiff**

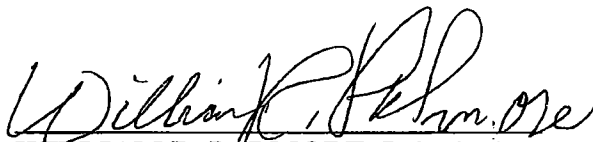
MOORE, RADER, FITZPATRICK & YORK

By: 

Randall A. York, BPR # 010166  
Attorney for Plaintiffs  
46 North Jefferson Ave  
Cookeville, TN 38501  
Phone: (931) 526-3311  
Facsimile: (931) 526-3092

**COST BOND**

We, William R. Palmore and Linda J. Palmore, Principals, and Randall A. York, Sureties  
acknowledge ourselves for the cost of this cause not to exceed Five Hundred (\$500.00) Dollars.

  
**WILLIAM R. PALMORE, Principal**

  
**LINDA J. PALMORE, Principal**

  
**RANDALL A. YORK, Surety**